

立法會
Legislative Council

LC Paper No. CB(1)2183/04-05
(These minutes have been seen
by the Administration)

Ref: CB1/BC/9/04/1

Bills Committee on Revenue
(Personalized Vehicle Registration Marks) Bill 2005

Minutes of fourth meeting
held on Tuesday, 28 June 2005, at 8:30 am
in the Conference Room A of the Legislative Council Building

Members present : Hon CHAN Kam-lam, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J.,JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon SIN Chung-kai, JP
Hon Abraham SHEK Lai-him, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Ting-kwong, BBS
Hon Albert Jinghan CHENG

Non-Bills Committee

Member attending : Hon Miriam LAU Kin-ye, GBS, JP

Member absent : Dr Hon David LI Kwok-po, GBS, JP

Public officers : Mr Martin GLASS, JP
Attending Deputy Secretary for Financial Services and the
Treasury (Treasury)²

Miss Erica NG
Principal Assistant Secretary for Financial Services
and the Treasury (Treasury) (Revenue)

Mr Edward MAK
Assistant Secretary for Financial Services and the
Treasury (Treasury)(Revenue)¹

Miss Amy CHOW
Acting Assistant Commissioner (Administration and
Licensing)
Transport Department

Ms Phyllis KO
Senior Assistant Law Draftsman
Department of Justice

Mr CHIU Kai-ting
Acting Chief Superintendent (Traffic)
Hong Kong Police Force

Mr LI Chiu-keung
Superintendent (Central Traffic Prosecutions
Division)
Hong Kong Police Force

Clerk in attendance : Miss Polly YEUNG
Chief Council Secretary (1)3

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3

Ms Debbie YAU
Senior Council Secretary (1)1

Action

I Confirmation of minutes and matters arising

LC Paper No. CB(1)1909/04-05) -- Minutes of meeting held on
14 June 2005

The minutes of the meeting held on 14 June 2005 were confirmed.

II Meeting with the Administration

LC Paper No. CB(1)1907/04-05(01) -- The Administration's response
to issues raised by members at
the meeting on 14 June 2005

- LC Paper No. CB(1)1907/04-05(02) -- The Administration's response to questions raised by Hon Albert CHENG and Hon WONG Ting-kwong on 16 and 17 June 2005
- LC Paper No. CB(1)1760/04-05(03) -- The Administration's response to issues raised by members at the meeting on 24 May 2005
- LC Paper No. CB(1)1693/04-05(01) -- Letter dated 27 May 2005 from Hon CHAN Kam-lam (Chinese version only)
- LC Paper No. CB(1)1760/04-05(04) -- Reply dated 10 June 2005 from the Administration to Hon CHAN Kam-lam's letter of 27 May 2005
- LC Paper No. CB(1)1786/04-05(01) -- Administration's responses on deputations' submissions

Correspondences between the Administration and the Legal Service Division

- LC Paper No. CB(1)1760/04-05(05) -- Letter dated 25 May 2005 from the Assistant Legal Adviser (ALA) to the Administration
- LC Paper No. CB(1)1760/04-05(06) -- Reply dated 9 June 2005 from the Administration to ALA's letter of 25 May 2005
- LC Paper No. CB(1)1615/04-05(01) -- Letter dated 18 May 2005 from ALA to the Administration
- LC Paper No. CB(1)1640/04-05(01) -- Reply dated 23 May 2005 from the Administration to ALA's letter of 18 May 2005

Submissions previously received

- LC Paper No. CB(1)1772/04-05(01) -- Right Hand Drive Motor Association (HK) Ltd (Chinese version only)

- LC Paper No. CB(1)1760/04-05(01) -- Mr WONG Wang-tai, a member of Wan Chai District Council (Chinese version only)
- LC Paper No. CB(1)1760/04-05(02) -- Dah Chong Hong (Motor Service Centre) Limited (English version only)

Other relevant papers

- LC Paper No. CB(1)1599/04-05(01) -- Marked-up copy of the Bill prepared by the Legal Service Division
- LC Paper No. CB(3)548/04-05 -- The Bill
- FIN CR 2/7/2201/03 -- The Legislative Council Brief issued by the Financial Services and the Treasury Bureau
- LC Paper No. LS60/04-05 -- The Legal Service Division Report on the Bill
- LC Paper No. CB(1)177/04-05(03) -- Information paper on Personalized Vehicle Registration Marks Scheme for the Panel on Financial Affairs
- LC Paper No. CB(1)1423/04-05(01) -- Follow-up paper on Personalized Vehicle Registration Marks Scheme for the Panel on Financial Affairs
- LC Paper No. CB(1)1596/04-05 -- Background brief on Revenue (Personalized Vehicle Registration Marks) Bill 2005

2. The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

Issues which required follow-up actions/consideration by the Administration

Administration's response to issues raised by members at the meeting on 14 June 2005 (CB(1)1907/04-05(01))

3. On the proposed Personalized Vehicle Registration Marks (PVRM) combinations, the Administration considered that allowing 8 characters without

grouping restrictions for PVRMs would give vehicle owners more room for creativity and more choices. The PVRMs Scheme would not give rise to concerns about law enforcement. Nevertheless, the Administration undertook to review this arrangement one year after the implementation of the PVRMs Scheme.

4. On law enforcement, the Hong Kong Police Force (the Police) considered that the present training provided to frontline police officers before they were posted to the Traffic Formations would be adequate to enable them to carry out enforcement duties even if the proposed PVRMs Scheme was implemented. Nevertheless, the Police would consider stepping up the relevant training for frontline police officers if such an operational need arose from the implementation of the proposed Scheme. The Police further advised that implications on enforcement of the proposed requirement that not more than four identical letters or numerals should be placed side by side in a PVRM would also be examined in the light of operational experience of the proposed Scheme.

5. The Chairman advised that individual members or the Bills Committee holding views different from those of the Administration on the PVRM combinations and/or other aspects of the Bill might, in due course, consider moving Committee Stage amendments to the Bill.

Clause-by-clause examination

Clause 10 – Regulation 12K

6. Some members suggested reserving PVRMs which were the same as certain company names such as HSBC, IBM etc for allocation to the companies concerned with a view to increasing the attractiveness of the PVRMs Scheme and generating more auction proceeds channeled to poverty-alleviation initiatives. The Administration considered that it was not practicable because it would not be equitable to deny individuals who might be interested in applying for these PVRMs, such as when their surnames were the same as company names like SWIRE or WILSON.

7. The Chairman suggested that the Administration might consider expanding the scope of PVRMs specified in Schedule 5A of the Road Traffic (Registration and Licensing of Vehicles) Regulations to include PVRMs of three or four identical letters for allocation upon sale by auction in the Commissioner for Transport's discretion. The Administration noted the Chairman's suggestion for consideration.

Clause 10 – Regulation 12L

8. Mr Albert CHENG and the Chairman enquired about the arrangements for re-assigning a cancelled or recalled PVRM when the grounds leading to such cancellation or recall no longer existed. The Administration undertook to revert to the Bills Committee on the arrangements.

Clause 10 – Regulation 12M

9. Regarding regulation 12M(1)(a), Mr SIN Chung-kai did not consider it necessary to require the PVRM holder to keep a certificate of allocation for a PVRM and to return the certificate to the Commissioner for Transport in case of recall/cancellation of the PVRM. The Administration agreed to consider whether the requirement could be simplified, such as by incorporating the information contained in the certificate of allocation in the existing vehicle registration document.

Further meetings of the Bill Committee

Clerk

10. Ms Miriam LAU relayed Mrs Selina CHOW's suggestion that the Bills Committee should invite deputations to give views on the PVRM Scheme proposed under the Bill. In this connection, the Chairman said that Mrs CHOW should be advised that the Bills Committee had invited submissions previously and met with deputations on 14 June 2005. However, Mrs CHOW was welcome to notify the Secretariat if there were organizations/individuals which would like to submit views to or meet with the Bills Committee.

(post-meeting note: The Clerk has relayed the information to Mrs CHOW in writing on 28 June 2005.)

Clerk

11. Members agreed that the Bills Committee would hold its fifth meeting in September 2005 and the meeting originally scheduled for 15 July 2005 at 2:30 pm would not be held. The Chairman requested the Clerk to consult members on their availability to enable him to finalize the meeting date.

(post-meeting note: Members have been invited to indicate their availability for the September meeting on 29 June 2005 vide LC Paper No CB(1)1939/04-05.)

III Any other business

12. There being no other business, the meeting ended at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
10 August 2005

**Proceedings of the fourth meeting of the
Bills Committee on
Revenue (Personalized Vehicle Registration Marks) Bill 2005
on Tuesday, 28 June 2005, at 8:30 am
in the Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 – 000215	Chairman	(a) Welcoming remarks. (b) Confirmation of minutes of meeting on 14 June 2005.	
000216 – 000720	Administration Chairman	The Administration introduced its response (CB(1)1907/04-05(02)) to questions raised by Hon Albert CHENG and Hon WONG Ting-kwong dated 16 and 17 June 2005 respectively.	
000721 – 001237	Chairman Administration Mrs Selina CHOW	The Administration introduced its response (CB(1)1907/04-05(01)) to issues raised by members at the meeting on 14 June 2005.	
001238 – 002157	Mr Albert CHENG Chairman Administration	(a) The Administration's confirmation that among some 60 schemes similar to the proposed Personalized Vehicle Registration Marks (PVRMs) Scheme implemented overseas, only seven of them required separate groupings of letters and numerals. (b) Mr Albert CHENG's concern that intermixing letters and numerals for PVRMs would impact on the safety of road users, in particular elderly persons or those who did not know the English alphabets, in hit-and-run traffic accidents. (c) The view of the Hong Kong Police Force (the Police) that in law enforcement, apart from the vehicle registration mark (VRM) of a vehicle, the full description of the particulars of the vehicle, including the type, make, model, color etc would be referred to by the enforcement agencies. The Police did not envisage special difficulties in tracing the wanted vehicles bearing a PVRM.	

Time Marker	Speaker	Subject(s)	Action Required
002158 – 002655	Mrs Miriam LAU Administration Chairman Mr Abraham SHEK	(a) The Administration’s clarification that the cancellation of a PVRM only involved the VRM <i>per se</i> and not the vehicle licence. (b) Further meeting with deputations, if necessary.	Action taken as per paragraph 10 of the minutes.
002656 – 002805	Ir Dr Raymond HO Chairman	Dr Raymond HO recapped his request for information at the last meeting and remarked that the Administration had only provided information on the number of characters allowed in PVRM-type Schemes for three of the top ten economies in terms of their gross domestic product.	
002806 – 004048	Mr Albert CHENG Administration Chairman Ir Dr Raymond HO	(a) Mr Albert CHENG’s reiteration that the proposed PVRM Scheme which allowed eight characters without grouping restrictions would have an adverse impact on road safety and law enforcement. (b) Whether frontline police officers had been consulted on the proposed PVRMs Scheme and whether appropriate training would be provided to them. (c) The Administration’s consideration that allowing eight characters without grouping restrictions for PVRMs would give vehicle owners more room for creativity and choices. 12 overseas jurisdictions allowed PVRM-type vehicle registration marks (VRMs) with 8 or more characters, including spaces, and did not have any grouping restrictions. The Administration was not aware of any enforcement problems encountered by the overseas jurisdictions. Nevertheless, it would review the PVRMs Scheme one year after its implementation.	The Administration to follow up as per paragraph 3 of the minutes.
004049 – 004608	Mr Abraham SHEK Administration	(a) The Police’s view that the present training provided to the frontline police officers before they were posted to the Traffic Formations	The Administration to note and follow up as per paragraph 4 of the minutes.

Time Marker	Speaker	Subject(s)	Action Required
		<p>would be adequate to enable them to carry out enforcement duties even if the proposed PVRM Scheme was implemented.</p> <p>(b) The Administration's information that the PVRM-type Schemes in three Mainland cities had been terminated after trial mainly due to the absence of a mechanism to vet and approve the PVRMs being applied for.</p>	
004609 – 005336	Administration Ir Dr Raymond HO Mr Albert CHENG Chairman	<p>(a) The Administration's information that according to information obtained by the Transport Department, more than 80% of car models were designed with a vehicle registration number panel which could accommodate the display of PVRMs consisting of a maximum of eight letters/numerals/blank spaces in a single row.</p> <p>(b) Discussion on the Administration's view that the problem caused by PVRM-bearing vehicles in hit-and-run traffic accidents was unlikely to be serious given that there would only be about 3 000 PVRMs auctioned each year and the number of such vehicles only constituted 0.5% of all vehicles in Hong Kong.</p> <p>(c) The Administration's consideration that allowing eight characters without grouping restrictions for PVRMs would give vehicle owners more room for creativity/choices. The exponential increase in the possibility of PVRM combinations would attract more people to apply for PVRMs and hence help generate more proceeds.</p>	
005337 – 010956	Mr SIN Chung-kai Chairman Administration Ms Miriam LAU	<p>(a) The Police's explanation that the proposed restriction of no more than four identical letters or numerals being placed side by side in a PVRM was to avoid possible confusion in reading the VRMs. The requirement would be examined having regard to the operational experience of the Scheme.</p> <p>(b) Mr SIN Chung-kai's view that a</p>	The Administration to note and follow up as per paragraph 4 of the minutes.

Time Marker	Speaker	Subject(s)	Action Required
		<p>PVRM bearing more than four identical characters side by side was much easier to remember than a randomly selected PVRM intermixing letters and numerals such as the acronym WYSIWYG (what you see is what you get).</p> <p>(c) Whether lifting the restriction referred to in (a) would generate higher interest in PVRMs and hence bring about more auction proceeds for poverty-alleviation initiatives.</p> <p>(d) The Administration's confirmation that under the Bill, the Commissioner for Transport (C for T) could, in his opinion, determine whether to accept or refuse an application for PVRM. His decision in this regard would not be subject to appeal.</p>	
010957 – 012617	Mr Albert CHENG Administration Chairman	<p>(a) Mr Albert CHENG's reiteration of his view on the impact of PVRM combinations on road safety, the time limit on recall of allocated PVRMs and the net auction proceeds from the sale of PVRMs.</p> <p>(b) Discussion on the relevancy to the recall arrangements under the PVRM Scheme of existing arrangements for cancellation of company names under the Companies Ordinance (Cap 32), withdrawal of names of a group practice under the Solicitors (Group Practice) Rules (Cap 159 sub leg X) and revocation of the registration of trade marks under the Trade Marks Ordinance (Cap 559).</p> <p>(c) The Chairman's advice that individual members or the Bills Committee holding views different from the Administration on PVRM combinations and/or other aspects of the Bill might, in due course, consider moving Committee Stage amendments to the Bill.</p>	Members to note as per paragraph 5 of the minutes.
012618 – 012804	Chairman Administration	<p><u>Clause-by-clause examination</u></p> <p><u>Clause 10 – Regulation 12H, 12I, 12J</u></p>	

Time Marker	Speaker	Subject(s)	Action Required
		Members raised no query.	
012805 – 013829	Administration Chairman Mr SIN Chung-kai Mr Albert CHENG	<p><u>Clause 10 – Regulation 12K</u></p> <p>(a) Members’ suggestion that PVRMs which were the same as certain company names such as HSBC, IBM, etc could be reserved for allocation to the companies concerned with a view to increasing the attractiveness of the PVRM Scheme and generating more auction proceeds channeled to poverty-alleviation initiatives.</p> <p>(b) The Administration’s comments that it was not practicable because it would not be equitable to deny individuals who might be interested in applying for these PVRMs, such as when their surnames were the same as company names like SWIRE or WILSON.</p> <p>(c) The Administration to consider the Chairman’s suggestion to include PVRMs of three or four identical letters in Schedule 5A for allocation upon sale by auction in C for T’s discretion.</p>	The Administration to consider the suggestion of the Chairman as per paragraph 7 of the minutes.
013830 – 014532	Administration Chairman Mr SIN Chung-kai Mr Albert CHENG Assistant Legal Adviser 3 (ALA3)	<p><u>Clause 10 – Regulation 12L</u></p> <p>(a) Mr Albert CHENG’s remark that customized VRMs were valid for five years in some overseas jurisdictions such as the United States. Hence, whether or not a "recall" mechanism was in place would not be of critical importance; whereas in Hong Kong, PVRMs were not assigned for a specified period.</p> <p>(b) In reply to ALA3 on the cancellation arrangements in case regulation 12C(2) or 12F(2) was amended, the Administration’s clarification that C for T might cancel the allocation of a PVRM on grounds including but not limited to those specified in proposed regulations 12C(2) and 12F(2).</p> <p>(c) The Administration’s advice that the</p>	The Administration to consider and revert to the Bills Committee as per paragraph 8 of the minutes.

Time Marker	Speaker	Subject(s)	Action Required
		<p>mode of giving notice under proposed regulation 12L(3) was modeled on regulation 15 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub leg E).</p> <p>(d) Whether the original PVRM holder could be re-assigned the cancelled PVRM if the grounds on which the PVRM had been cancelled ceased to be valid, and the related arrangements for application.</p>	
014533 – 015942	<p>Chairman Administration Mr Albert CHENG Mr SIN Chung-kai</p>	<p><u>Clause 10 – Regulation 12M</u></p> <p>The appropriateness or otherwise of the requirement to keep a certificate of allocation of PVRM and whether the information contained therein could be incorporated in the vehicle registration document.</p>	<p>The Administration to consider and revert to the Bills Committee as per paragraph 9 of the minutes.</p>
015943 – 020110	<p>Chairman Mr Albert CHENG Mr SIN Chung-kai</p>	<p>Members agreed that the next meeting would be held in September 2005.</p>	<p>The Clerk to follow up as per paragraph 11 of the minutes.</p>